

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PHUNWARE, INC.,

Plaintiff,

vs.

Docket No. 1:23-cv-06426

UBS SECURITIES LLC,

Defendant.

**NOTICE OF MOTION BY DEFENDANT TO DISMISS
THE COMPLAINT FOR FAILURE TO STATE A CLAIM**

PLEASE TAKE NOTICE that Defendant UBS Securities LLC (“Defendant”), upon the Complaint filed by Plaintiff in the above-captioned proceeding and the accompanying Memorandum of Law in Support of Defendant’s Motion to Dismiss the Complaint for Failure to State a Claim, will move, by and through its undersigned counsel, before the Honorable Analisa Torres, United States District Court Judge for the Southern District of New York, on such date that the Court will determine, for an Order, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), dismissing with prejudice the Complaint filed by Plaintiff in the above-captioned proceeding.

Dated: October 6, 2023
New York, New York

CAHILL GORDON & REINDEL LLP

By: /s/ Herbert S. Washer

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